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REMARKS

I. Introduction

Upon entry of the present amendment, claims 1-8, 10, 13-18, 25-27 and 29-38 are pending in this application. Based on the following remarks, Applicants respectfully request reconsideration and allowance of the pending claims.

II. Rejections based on 35 U.S.C. § 102

The Examiner has rejected claims 1-8, 10, 13-18, 25-27 and 29-38 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,645,606 to Oehy et al. Applicants respectfully traverse this rejection and request reconsideration and withdrawal thereof.

One of the features of Applicants' invention is that the differently-shaped surfaces of an insertion member and an opening in a prosthesis contact each other when the insertion member is inserted into the opening. The claims of the application are directed in part to an insertion member, which can be a screw, peg, opening cover or other device, that includes a rounded nonfrustoconical contact surface that contacts the frustoconical taper section of an opening in a prosthesis. The insertion member fits the opening of the prosthesis in a substantially fluid-tight relationship and at a plurality of angles, and the head of the insertion member does not protrude beyond the surface of the prosthesis.

Applicants respectfully submit that *Oehy et al.* fails to teach "an insertion member having a head which includes a rounded, nonfrustoconical contact surface that contacts said frustoconical taper section of said opening when the insertion member is inserted into the opening," as required by the claims. To anticipate a claim, a reference must teach each and every element of the claim, either expressly or inherently. *See* M.P.E.P. § 2131. *Oehy et al.*

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describes an acetabular shell 5 and a fastening element 14. The fastening element 14 includes a "head part 14a, which has a corresponding convex butting surface which is thus seatable onto the concave support surface 25a." Col. 3, lines 11-13. Thus, *Oehy et al.* teaches that the rounded or convex surface of the fastening element is in contact with the rounded or concave surface of the opening 12. Applicants' claims require that the rounded contact surface of the insertion member contacts the frustoconical taper section of the opening. Although *Oehy et al.* teaches a conical end section 25, it is not in contact with the insertion member. Because *Oehy et al.* does not teach each and every element of the claims, it does not anticipate the claims of the application.

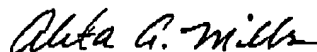
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CONCLUSION

In light of the amendments and the above remarks, Applicants are of the opinion that the Office Action has been completely responded to and that the application is now in condition for allowance. Such action is respectfully requested.

If the Examiner believes any informalities remain in the application that may be corrected by Examiner's Amendment, or there are any other issues that can be resolved by telephone interview, a telephone call to the undersigned attorney at (404) 815-6409 is respectfully solicited.

Respectfully submitted,



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